

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Use Permit #143
Antelope Creek Court

DATE: May 28, 2002

PROPOSAL: To develop 5,500 square feet of veterinary clinic space and 6,000 square feet of office/retail, with a modification to sign requirements.

WAIVERS: A modification per §27.69.046(c) to permit a center sign where there is less than 300 ft. of street frontage.

LAND AREA: 1.5 acres, more or less

CONCLUSION: The modification is acceptable so that this site can have a “center” sign on Pioneers Boulevard.

With significant revisions to the grading and site layout, the proposed development is consistent with the goals and principles of the 2025 Comprehensive Plan and conforms with the zoning ordinance.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Pioneer Academy Subdivision, Located in the NW 1/4 of Section 10, T9N, R7E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: South of Pioneers Boulevard, east of Pioneer Woods Drive and Stacy Lane

APPLICANT: Thistle Glenn Investments, L.L.C.
6801 Yankee Hill Road
Lincoln, NE 68516

OWNER: same

CONTACT: William D. Collins, DVM
(402) 423-5397

EXISTING ZONING: B-2 Planned Neighborhood Business District

EXISTING LAND USE: Single Family Dwelling

SURROUNDING LAND USE AND ZONING:

North: R-3 Open space north of Pioneers Boulevard
South: R-3 Platted residential lots
East: R-3 Antelope creek and gymnastics school
West: R-5 Lenox Village apartments

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan designates this site as Residential. Commercial sites smaller than 5 acres were not shown on the Land Use Plan. This site is already zoned B-2, so it should be reviewed for conformance with the general goals and strategies of the Comprehensive Plan.

From the 2025 Comprehensive Plan:

General Principles for All Commercial & Industrial Uses

Commercial and industrial districts in Lancaster County shall be...

- outside of... floodplain areas
- accessible by various modes of transportation (p F 40)

Commerce Centers - Commerce Centers shall be designed and constructed to meet the intent of the environmental resources section of this plan.

Commercial location should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points. (p F 44)

Watershed Management - Guiding Principles

The community should encourage site designs that are compatible with the natural characteristics of the site, clustering development, minimizing grading and impervious cover, and preserving site hydrology to the maximum extent possible. Naturalized or bioengineered solutions to drainage issues should be used wherever possible. (p F 87)

Pedestrians - The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities. (p F 97)

HISTORY:

May 15, 2000 City Council approved text Change of Zone #3250, which allows use permits on properties less than 5 acres in size under certain conditions.

- March 30, 2000** The Planning Director withdrew Change of Zone #3023, which would have changed the zoning on this property from B-2 to R-3.
- June 2, 1997** City Council approved Change of Zone #3012, which changed the zoning from B-2 to R-5 on the property to the west. This action isolated this 1.5 acre site from the remainder of the B-2 zoning district.
- May 8, 1995** City Council approved Change of Zone #2864, which changed the zoning on the property from R-3 to B-2.
- 1979** The zoning was changed from A-1 Single Family Dwelling to R-3 in the Zoning Update.
- 1967** The area was changed from AA Rural and Public Use to A-1 Single Family with the adoption of the Zoning Map Update.

UTILITIES: Available

TOPOGRAPHY: The site slopes downward from the west towards Antelope Creek. The proposed development uses retaining walls on the west and flattens the site. The land drops approximately 24 feet from the building pads to the east property line and Antelope Creek.

TRAFFIC ANALYSIS: Pioneers Boulevard is classified as a minor arterial in the Comprehensive Plan. Pioneers is currently under construction to an urban cross section and the proposed driveway could potentially be limited to right in and right out movements.

PUBLIC SERVICE: City of Lincoln Fire and Police

ENVIRONMENTAL CONCERNS: Antelope Creek runoff and erosion. Pollutants from the parking lots drain into Antelope Creek, which flows into Holmes Lake.

ALTERNATIVE USES: A commercial development with less impact on the Antelope Creek bank and to the quality of water in Holmes Lake.

ANALYSIS:

1. This request for a use permit proposes the removal of the existing dwelling and the construction of 11,500 square feet of office/retail uses with 53 parking stalls on this 1.5 acre site.
2. Use Permits normally require 5 acres of land area; however, §27.71.260 indicates that a use permit can be granted on a premises which does not meet the minimum total

acreage requirement provided that (a) the premises was legally created prior to January 1, 2000; (b) the premises has remained under separate ownership from adjoining properties formerly in the applicable district; and (c) the zoning district in which the premises is located has been reduced in size by other changes of zone isolating the premises from similarly zoned properties. This property meets the above requirements.

3. The parking regulations require only 39 parking stalls for this site (B-2 requires 1 stall per 300 square feet, except for restaurants, which require 1 stall per 100 square feet). The applicant has provided 53 parking spaces based on the assumption that all uses may be medical offices (1 stall per 225 square feet). The number of stalls should be reduced to a maximum of 45 stalls, although fewer would reduce the amount of hard surfacing. This would reduce the amount of impervious surface adjacent to Antelope Creek.
4. There are a number of issues which arise from the proposed grades. The site grading creates steep banks along the creek and removes a considerable amount of tree mass from the bank. The Army Corps of Engineers has indicated that a wetland determination/delineation is required and that any grading/fill in the flood plain or flood way must be in accordance with their standards.
5. If the grading plan is revised so that grading does not remove vegetation along the creek or occur in the flood plain, this development will be consistent with the guiding principles for watershed management.
6. The parking aisle and stalls should be removed from the required 50 foot rear yard. Although parking is permitted in the required rear yard, there should be greater separation from the residential lots to the south.
7. The frontage of the site is less than 300 feet (198.8 feet) so the City Council must approve the location of the sign per §27.69.046(e).

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:

- 1.1.1 A revised boundary survey for Lot 1, Pioneer Academy subdivision.
- 1.1.2 Indicate trees to be removed on the landscape plan.
- 1.1.3 Revise the site development regulations table - 39 parking stalls are required, the maximum height is 40 feet, change "regulator" to "required", remove the building coverage row (regulations do not require that this be shown), remove the impervious coverage row (regulations do not require that this be shown), and correct the floor area ratio.
- 1.1.4 Show the area of this use permit on the Vicinity Map.
- 1.1.5 Revise the sewer service tap location to the satisfaction of Public Works & Utilities.
- 1.1.6 Show the proposed Pioneers Boulevard paving and grading and revise the driveway connection accordingly.
- 1.1.7 Provide a right turn lane meeting design standards or provide a traffic study that proves such lane is not warranted.
- 1.1.8 Add a note to the site plan indicating that changes to uses with more traffic generation may require additional off-site improvements.
- 1.1.9 Dimension driveway and parking stalls to meet Design Standards.
- 1.1.10 Provide a parking lot cross section satisfactory to Public Works & Utilities.
- 1.1.11 Show a sidewalk to be constructed along the Pioneers Boulevard frontage.
- 1.1.12 Provide a drainage study satisfactory to Public Works & Utilities and Design Standards.
- 1.1.13 Revise the grading plan to show the proposed Pioneers Boulevard grading.
- 1.1.14 Revise the site and grading plans so that there is no grading in the flood plain and floodway.
- 1.1.15 Show the flood plain and the floodway on the plans.
- 1.1.16 Provide an outlet for the pond in the front yard.
- 1.1.17 Provide a wetland determination/delineation to the Army Corps of Engineers or have the Corps conduct one. Grading in wetlands/flood plain/floodway must be done in accordance with Corps guidelines.
- 1.1.18 Move the building envelopes to the west and revise the grading plan so that the tree mass is not affected by grading.
- 1.1.19 The grading plan must demonstrate bank stability.
- 1.1.20 Provide a bioengineered or naturalized pre-treatment of storm water runoff from parking areas prior to discharge in Antelope Creek.

- 1.1.21 Provide a landscape plan which meets Design Standards.
 - 1.1.22 Show street trees along Pioneers Boulevard. The designated street tree is Swamp White Oak.
 - 1.1.23 Dimension building envelopes from the east property line.
 - 1.1.24 Dimension the sign envelope and label it as the shopping center sign.
 - 1.1.25 Provide the name, address, and telephone number of the developer.
 - 1.1.26 Provide a cross-section for the parking lot and sidewalk paving.
 - 1.1.27 Provide a sidewalk connection from the buildings to the sidewalk along Pioneers Boulevard.
 - 1.1.28 Provide the easements requested by L.E.S.
 - 1.1.29 Provide a landscape plan which meets design standards.
 - 1.1.30 Indicate on the plans the grading or drainage system necessary to prevent overbank drainage to Antelope Creek.
 - 1.1.31 Show structures set back far enough to allow access to the creek on a relatively level area adjacent to the creek.
- 2. This approval permits 11,500 square feet of floor area for office/retail/veterinary uses.
 - 3. The requirements of §27.69.046(c) are adjusted to permit an eight foot high, fifty square foot ground sign on a property with less than 300 feet of frontage.

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.

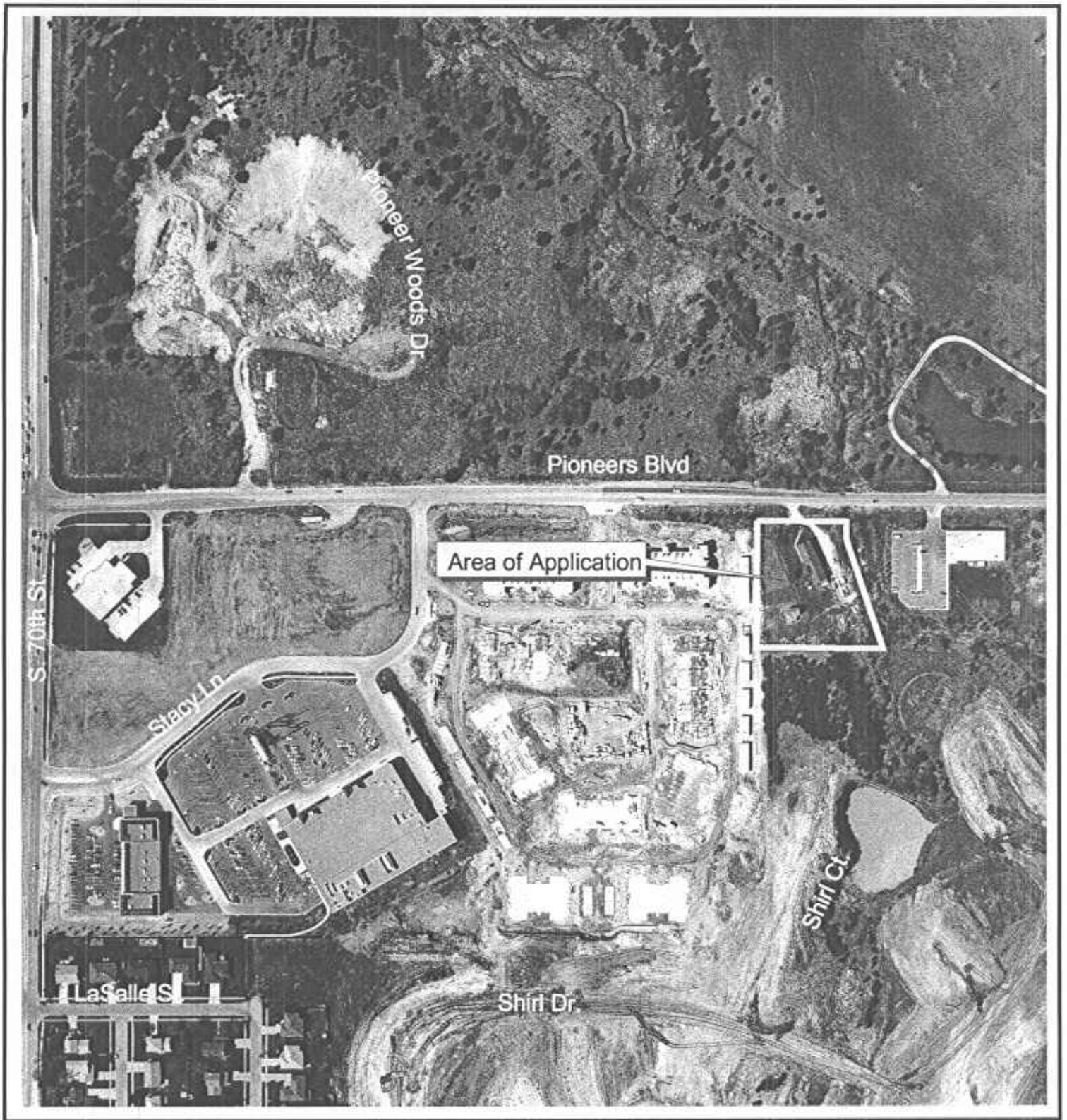
STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the commercial buildings all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Jason Reynolds
Planner

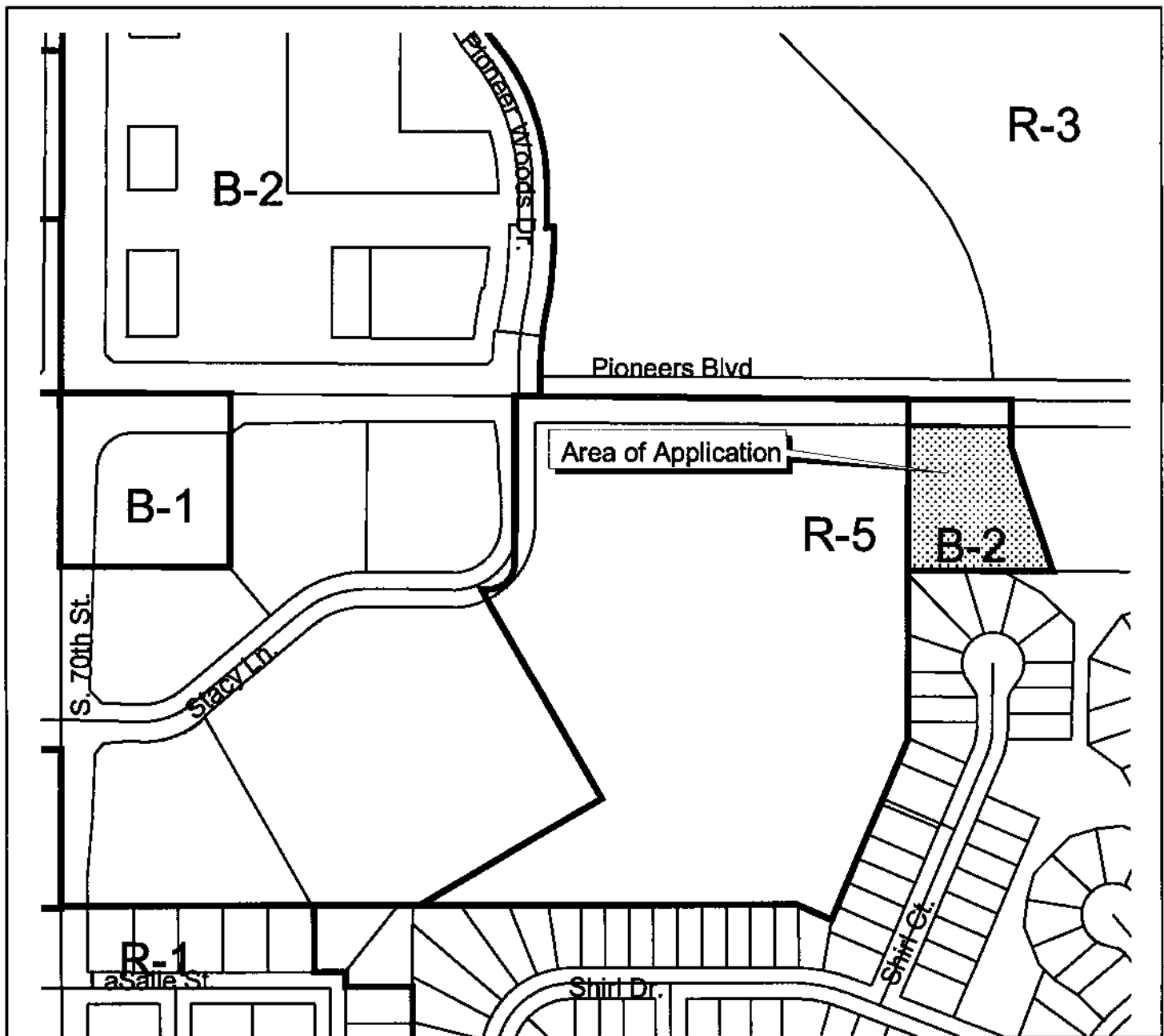


Use Permit #143
S. 74th & Pioneers Blvd
Antelope Creek Court



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

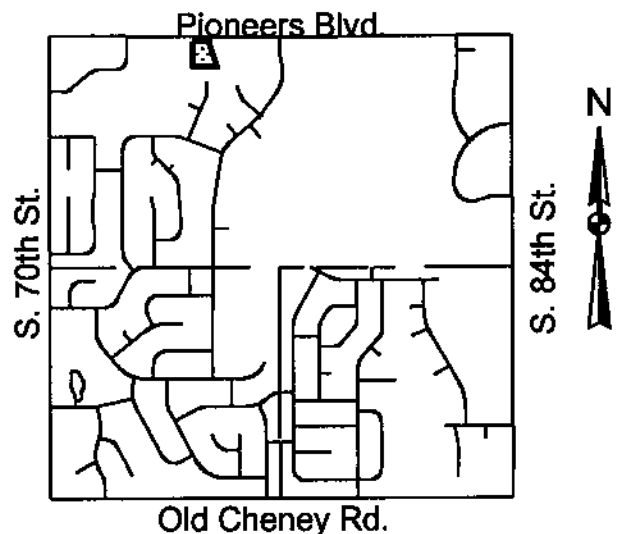
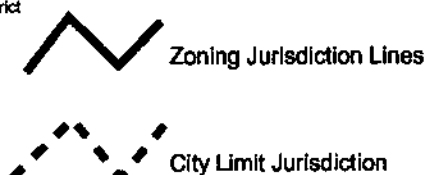


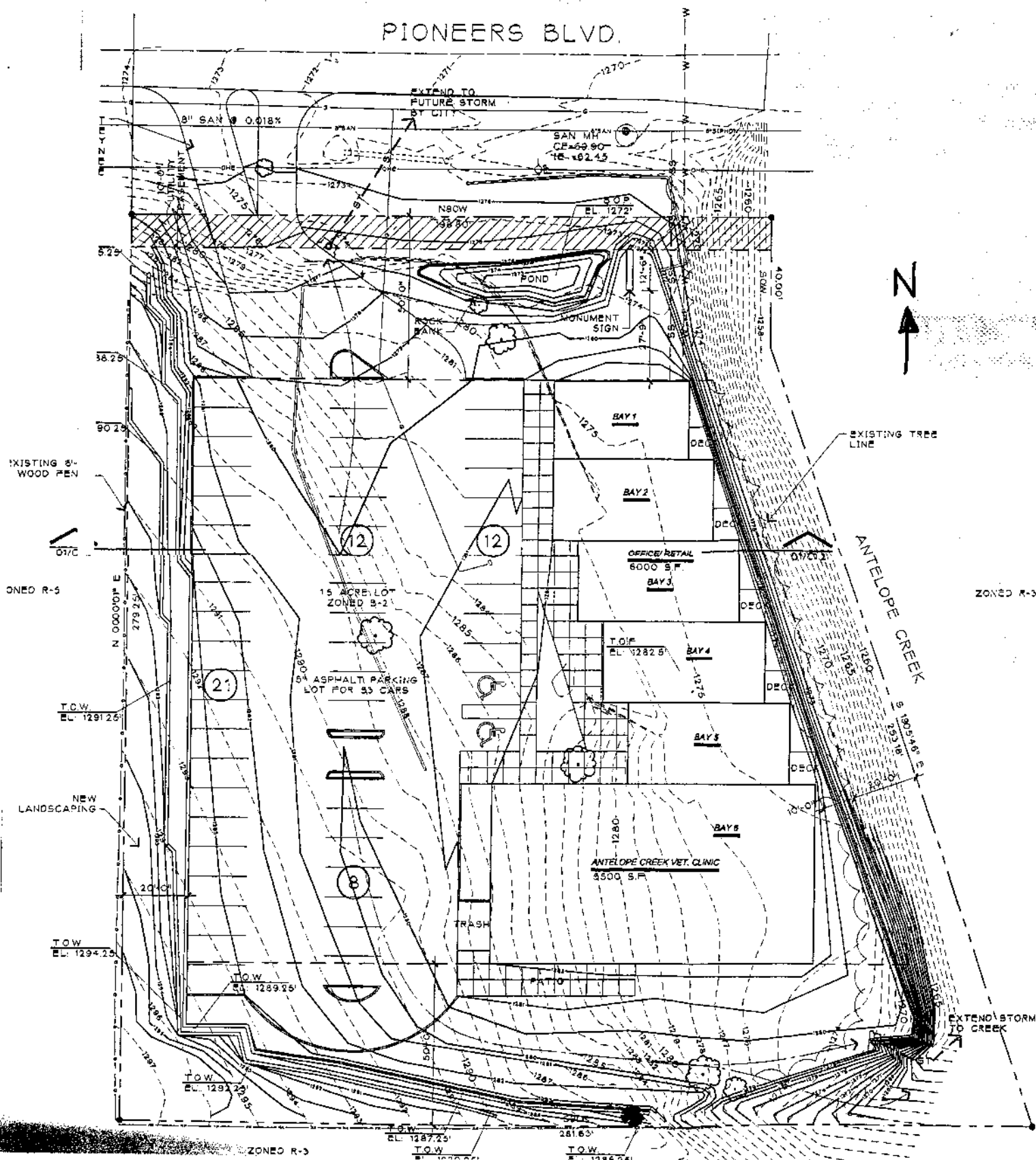
Use Permit #143
S. 74th & Pioneers Blvd
Antelope Creek Court

Zoning:

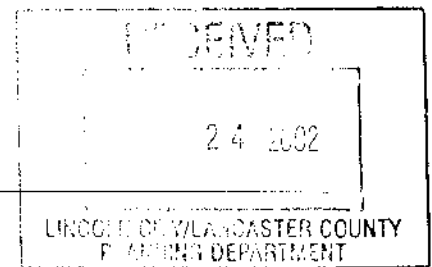
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 10 T9N R7E





M e m o r a n d u m



To: Jason Reynolds, Planning
From: Dennis Bartels, Engineering Services
Subject: Antelope Creek Court
Date: May 23, 2002

cc: Roger Figard
Randy Hoskins
Virendra Singh
Ben Higgins
Nicole Fleck-Tooze
Lynn Johnson

Engineering Services has reviewed the proposed Use Permit 143 for an office development at 7401 Pioneers Boulevard and has the following comments:

1. Sanitary Sewer - The existing sanitary sewer in Pioneers can serve this development. The service tap location shown is unsatisfactory. The service must tap the sewer west of the sewer siphon under Antelope Creek.
2. Water - The existing water main in Pioneers Boulevard is satisfactory to serve this development.
3. Access and Streets - Pioneers Boulevard is proposed to be widened and constructed to an urban cross-section. A median is proposed in front of the proposed driveway limiting access to right-turn in and out of this site at the driveway location shown. The proposed Pioneers Boulevard paving and grading should be shown on these plans to show that this site operates satisfactorily after the Pioneers Boulevard improvements are constructed.

Land uses and proposed uses must be identified along with projected traffic generation and turning movements. Based upon project traffic, a right turn lane may be required at the driveway both in the interim and after Pioneers Boulevard is widened. The driveway design and any turn lane will be based upon the proposed uses described. Other uses allowed in the B2 zoning may required additional improvements if the land uses are changed.

Driveway and parking lot and parking stall dimensions must be provided to show that the proposal meet design standards.

The 5" asphalt parking lot surfacing does not meet design standards.

4. Trails and Sidewalks - The plans need to be revised to show construction of a sidewalk along the Pioneers Boulevard frontage of this development.
5. Drainage and Grading - A drainage study must be submitted showing the drainage off-site draining into the site and how it is to be handled. The drainage study must size the storm shown in accordance with design standards.

The grading plan must be revised to match future grading and cross-section of Pioneers Boulevard.

The plan shows grading within the flood plain and floodway for Antelope Creek. Appropriate permits are required to grade in the floodway and documentation that the floodway is not raised because of the grading. Engineering Services recommends that the grading be designed to avoid filling the floodplain and floodway. The floodplain and floodway limits must be shown on the plans.

A pond is shown in the front yard setback. No outlet is shown for the pond.

Memo



To: Jason Reynolds, Planning Department

From: Mark Canney, Parks & Recreation

Date: May 23, 2002

Re: Antelope Creek Court

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Please review grades and show a grading that demonstrates bank stability.
2. Provide a pre-treatment of storm water runoff from parking areas prior to discharge into Antelope Creek.
3. Provide a landscape plan for review including existing and proposed.
4. Designated Street tree is Swamp White Oak.
5. Show location of flood way and flood plain on site plan

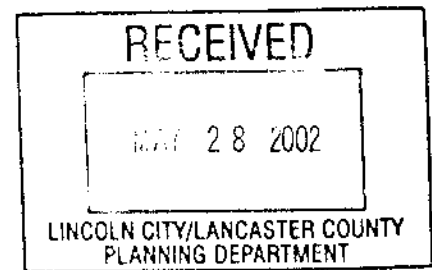
If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE - KEARNEY
1430 CENTRAL AVENUE STREET, SUITE 4
KEARNEY, NEBRASKA 68847-6856

REPLY TO
ATTENTION OF:

May 24, 2002



Mr. Jason Reynolds
City of Lincoln
555 South 10th Street Suite 213
Lincoln, Nebraska 68508

Dear Mr. Reynolds:

This letter pertains to your request to review the Antelope Creek Court proposed by Thistle Glenn Investments. The project is located in the NW ¼ of Section 10, Township 9 North, Range 7 East, Lancaster County, Nebraska.

The following is based on an office determination only. According to the data available at this time, it appears that some "waters of the US" maybe impacted by the project. However, more information is required to make a final determination. The applicant can submit a wetland determination/delineation or the Corps of Engineers can make the determination. The determination must be done prior to any work being started.

If you have any questions regarding this matter, please feel free to contact Mrs. Barb Friskopp at the above address or at (308) 234-1403 and refer to file number NE 02-10699.

Sincerely,

f Michael Rabbe
NE State Program Manager

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds

DATE: May 28, 2002

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Antelope Creek Court
UP #143

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.



INTER-DEPARTMENT COMMUNICATION

DATE May 21, 2002

TO Jason Reynolds, City Planning

FROM Sharon Theobald
(Ext. 7640)

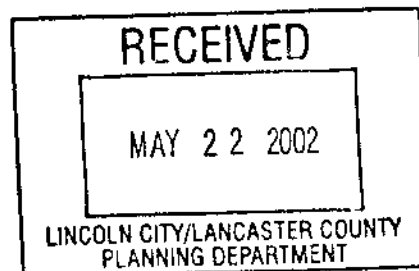
SUBJECT DEDICATED EASEMENTS
DN #43S-74E

Attached is the Use Permit for Antelope Creek Court.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File



Benjamin J Higgins

05/31/2002 08:50
AM

To: Jason W Reynolds/Notes@Notes
cc: Devin L Biesecker/Notes@Notes, Dennis D Bartels/Notes@Notes
Subject: additional comments on Antelope Creek Court

Jason

Please add the following two items on the comment letter regarding the Antelope Creek Court Site plan from Collins & Reed Architects.

- Indicate on the plans the grading or drainage system necessary to prevent overbank discharge to Antelope Creek.
- Structures should be set back far enough to allow for access to the creek on a relatively level area adjacent to the creek.

Thanks

Ben Higgins
Watershed Management
City of Lincoln Public Works
441-7589